



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Phone 800-227-8917

www.epa.gov/region08[scq Text_Box * Arabic \r0]

Ref: 8WP-SUI

Honorable Westin Scott, President
Oglala Sioux Tribe
P.O. Box 2070
Pine Ridge South Dakota 57770-2070 0

Re: Dewey-Burdock Cultural Survey and Tribal Consultation

Dear President Scott:

The U.S. Environmental Protection Agency Region 8 (EPA) Underground Injection Control (UIC) Program is contacting you to let you know the EPA will be attending the Nuclear Regulatory Commission (NRC) *meeting/conference call/ web conference* regarding the cultural survey of the proposed Dewey-Burdock in-situ recovery (ISR) site in the southern Black Hills region near Edgemont, South Dakota. As you know, the NRC is holding a *meeting/conference call/ web conference* the week of May 28, 2018, to discuss and establish the survey methodology and the areas to be surveyed. The location of the Dewey-Burdock site is shown in the enclosed Figure 1.

The EPA considers this cultural survey to be an important component for consultation under the EPA's Tribal Consultation Policy and the National Historic Preservation Act (NHPA) Section 106 consultation. We look forward to hearing input from the Oglala Sioux Tribe regarding the cultural survey area and methodology.

On March 6, 2017, the EPA issued two draft permits to Powertech (USA) Inc.: one UIC Class III injection well area permit for the ISR of uranium in Inyan Kara aquifers, and a second, deep UIC Class V injection well area permit for the disposal of treated ISR process waste water into the Minnelusa aquifer. The EPA also proposed an aquifer exemption record of decision to exempt uranium-ore-bearing portions of the Inyan Kara aquifers.

The EPA is still involved in the Tribal consultation process for these Dewey-Burdock permitting actions. While EPA has provided several opportunities for tribal input beginning in May 2013, before issuing the UIC draft permits, we are continuing to reach out to tribes to discuss the draft permit requirements, the proposed aquifer exemption and issues related to the National Historic Preservation Act, Section 106 process.

Please have your staff contact UIC Unit Manager Douglas Minter at your earliest convenience if you would like to schedule a consultation meeting with us. Also, if the Tribe would like to include National Historic Preservation Act issues within the scope of this consultation, please send Mr. Minter the name and contact information of your designated point of contact for NHPA section 106 consultation. Mr. Minter can be reached at (800) 227-8917, extension 312-6079; at (303) 312-6079; or at [

HYPERLINK "mailto:minter.douglas@epa.gov"].

We will call your office within 14 days to discuss options for tribal consultation meetings. At that time, we will request that you provide a point of contact from your Tribe so we can keep you informed as the EPA moves forward with this consultation process.

Confidentiality: We understand that the Oglala Sioux Tribe may raise issues in consultation that should be kept confidential and nonpublic. During the course of our consultation process, if there is information that you would like to provide, but that you believe should remain confidential, please contact us by phone, and we will explore options for keeping the information confidential in accordance with 36 CFR § 800.11(c). As we move forward with the consultation process, please be aware that any information you provide to the EPA in writing will become a part of the public record unless other arrangements are made to maintain confidentiality.

Background Information on the Dewey-Burdock Site: For information about the proposed Dewey-Burdock site, please see the enclosed page entitled *Background Information on the Proposed Dewey-Burdock Uranium In-Situ Recovery Site* and enclosed Figures 1 through 5. The full administrative record for the EPA proposed actions is found on the EPA website at:

[HYPERLINK "<https://www.epa.gov/uic/extension-public-comment-period-dewey-burdock-class-iii-and-class-v-injection-well-draft-area-0>"].

Sincerely,

Darcy O'Connor
Assistant Regional Administrator
Office of Water Protection

Enclosures (6)

cc: Ms. Trina Lone Hill, Tribal Historic Preservation Officer
Ms. Suzy (Lloydell) Mesteth, Environmental Director (*Suzie is still listed in the Region 8 Tribal contact list. I will call the office to see who the ED is before finalizing this letter*)

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